

COURT OF APPEAL OF THE STATE OF CALIFORNIA  
FOURTH APPELLATE DISTRICT  
DIVISION ONE  
FEBRUARY 22, 2005

**D045757      Cindy R. v. Superior Court of the County of San Diego/San Diego County Health  
and Human Services Agency**

The attorney for petitioner Cindy R. has notified the court on behalf of the petitioner that a Petition for Writ of Mandate under Rule 38.1 will not be filed as there are no viable issues for writ review. The case is dismissed.

**D042401      Lytwyn v. Fry's Electronics, Inc., et al.**

The May 22, 2003 order granting a preliminary injunction enjoining Lytwyn from prosecuting this action is reversed. The trial court is directed to grant judgment on the pleadings in favor of Fry's on the third, fourth, and fifth causes of action in Lytwyn's complaint, and to allow Lytwyn leave to amend his complaint with respect to the third, fourth, and fifth causes of action. CERTIFIED FOR PUBLICATION. Aaron, J.; We Concur: Benke, Acting P.J., Nares, J.

COURT OF APPEAL OF THE STATE OF CALIFORNIA  
FOURTH APPELLATE DISTRICT  
DIVISION ONE  
FEBRUARY 23, 2005

**D045646        San Diego State University v. Workers' Compensation Appeals Board et al.**

The petition is denied.

**D044796        People v. Lopez**

The judgment is affirmed. Huffman, Acting P.J.; We Concur: McIntyre, J., Irion, J.

**D044005        Fraher v. Spherion Corporation et al.**

The judgment is affirmed. Spherion is entitled to its costs of appeal. McIntyre, J.;  
We Concur: McDonald, Acting P.J., Aaron, J.

**D044618        O'Brien et al. v. Keltner et al.**

Judgment reversed. The O'Briens to recover costs on appeal. Haller, J.; We Concur: McConnell, P.J.,  
Nares, J.

**D044758        People v. Phillips**

The judgment is affirmed. McDonald, J.; We Concur: Benke, Acting P.J., McIntyre, J.

**D043742        Schweichler v. Poway Unified School District et al.**

The judgment is affirmed. Benke, Acting P.J.; I Concur: McDonald, J.;  
I Concur in the Result: Huffman, J.

**D044612        Photomedex, Inc. v. Irwin et al.**

The judgment is affirmed. Irion, J.; We Concur: Nares, Acting P.J., Haller, J.

**D043591        Sanders Inc. Architecture/Engineering v. The Board of Trustees of California State  
University**

We reverse. McConnell, P.J.; We Concur: Nares, J., Haller, J.

**D045657        In re Ricardo Gaxiola on Habeas Corpus**

The petition is denied.

**D044547        Permenter et al. v. Circuit City Stores, Inc.**

Upon written request filed by appellant, the appeal as to Mike Kirwan only, is dismissed and the  
remititur is ordered to issue immediately.

**D044165        Tohidi v. Tri-City Hospital District**

**D044737        Tohidi v. Tri-City Hospital District**

Upon written stipulation filed by the parties to the appeal, the appeal is dismissed and the remittitur is  
ordered to issue immediately. Each party to bear own costs on appeal.

**D045660        In re Sherrors on Habeas Corpus**

The petition is denied.

**D045664        In re Johnson on Habeas Corpus**

The petition is denied.

COURT OF APPEAL OF THE STATE OF CALIFORNIA  
FOURTH APPELLATE DISTRICT  
DIVISION ONE  
FEBRUARY 23, 2005 (Continued)

**D045703        In re Teahan on Habeas Corpus**

The petition is denied.

**D045663        In re Rodgers on Habeas Corpus**

Rodgers was properly advised of his appeal rights. The petition is denied.

**D043829        The H.N. & Frances C. Berger Foundation v. City of Escondido et al.**

The opinion filed January 26, 2005, is ordered certified for publication.

COURT OF APPEAL OF THE STATE OF CALIFORNIA  
FOURTH APPELLATE DISTRICT  
DIVISION ONE  
FEBRUARY 24, 2005

**D045471        Debra B. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency**

The petition is denied. Benke, Acting P.J.; We Concur: Huffman, J., Aaron, J.

**D043522        Taylor v. Sussman**

The judgment is affirmed. Benke, Acting P.J.; We Concur: McIntyre, J., Aaron, J.

**D045665        In re Johnson on Habeas Corpus**

The petition is denied as duplicative of In re Johnson, D045664.

**D045698        In re Caldwell on Habeas Corpus**

The petition is denied.

**D045926        Meehan v. Superior Court of San Diego County/CBIZ Benefits and Insurance Services, Inc., et al.**

The petition is denied.

**D045700        In re Poucher on Habeas Corpus**

The petition is denied.

COURT OF APPEAL OF THE STATE OF CALIFORNIA  
FOURTH APPELLATE DISTRICT  
DIVISION ONE  
FEBRUARY 25, 2005

**D045054        People v. Pilotin**

The judgment is affirmed. McConnell, P.J.; We Concur: Nares, J., Aaron, J.

**D045695        Neuharth, Jr. v. Superior Court of San Diego County/Wrobel**

The petition is denied.

**D043911        In re Maria A., a Juvenile**

The true finding on count 2 for possession of a controlled substance is stricken. In all other respects, the juvenile court's order is affirmed. McIntyre, J.; We Concur: Benke, Acting P.J., Aaron, J.

**D045472        In re Whitfield on Habeas Corpus**

The petition is denied.